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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,244	08/26/2003	Akito Tai	031011	1769
23850	7590	11/29/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006				MATTHEWS, TERRELL HOWARD
		ART UNIT		PAPER NUMBER
		3654		

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,244	TAI ET AL.	
	<b>Examiner</b> Terrell H. Matthews	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08/26/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

Claims 1-7 are pending in the instant application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the term "almost" on line 6 of claim 1 makes the claim vague and indefinite because it is not clear and defined as to what qualifies as "almost parallel".

Claim 5 is vague and indefinite as to what "respective frames constituting the pair" the supporting members project from.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgita (5450929).

Referring to claim 1-2,4-5. Ohgita discloses a “Crane Equipped With A Maintenance Elevator” as claimed. See Figs. 1-14 and respective portions of the specification. Ohgita further discloses a traveling vehicle (10) a mast (12) extending vertically from the traveling vehicle, and a platform (16) that elevates and lowers along the mast, the device being characterized in that the traveling vehicle comprises traveling driving means (25) for wheels (20,21), and elevation driving means (30) for elevating and lowering the platform, and both driving means are arranged so that a longitudinal direction of both driving means is almost parallel with a direction in which the traveling vehicle runs (See Col. 7 l. 16-66 & Figs. 1,10). Ohgita further discloses traveling driving means and elevation driving means arranged below the mast (See Fig. 4).

Referring to claim 3. Ohgita discloses a pair of frames spaced at a predetermined distance from each other and a connecting member that connects both frames together, and wheels are arranged between the pair of frames in the front and rear, respectively, of the traveling vehicle, traveling driving means being connected to each wheel, an elevating pulley for the platform being arranged between the front and rear wheels, the elevation driving means being connected to the elevating pulley, the traveling driving means and elevation driving means being arranged outside the respective frames (See Col. 7 l. 16-66 and Figs. 1,10).

Referring to claim 5. Ohgita discloses that the bottom of the platform can be housed between the pair of frames (See Fig. 1,10).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgita in view of Haymore (5433292).

Referring to claims 6-7. Ohgita discloses the invention as described above in detail. Ohgita discloses that the traveling driving means and the elevation driving means are arranged inside an outer surface of the mast in a plane view (See Fig. 1,10). Ohgita does not disclose that mast supporting members project outward from the respective frames constituting the pair with the mast arranged above the frames and mast supporting members. Haymore discloses a "Stacker" apparatus as claimed. See Figs. 1-19 and respective portions of the specification. Haymore further discloses a mast (28), a carriage (32) movable up and down along mast (28), frame (50) and mast supporting members (52) (See Col. 3 l. 3-25). It is generally understood and broadly construed that mast supporting members project outward from the respective frames constituting the pair and that that the mast is arranged above the frames and mast supporting members (See Col. 3 l. 29-46 & Figs. 2-3). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Ohgita to include mast-supporting members to stabilize the mast and make it more stable during operation and for the platform.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gottlieb U.S. Patent No. 6776263 discloses a "Elevator System For The Vertical Transport of Loads" comprising a mast, a drive system, and drive motor for elevating a platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM

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